

21 C.J.S. Courts § 201

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 201. Courts of last resort

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West's Key Number Digest

West's Key Number Digest, [Courts](#)  91(1), 96(3)

Decisions of courts of last resort should be followed by inferior courts until reversed or overruled.

Decisions of a court of last resort should be followed by inferior courts—whatever the lower court's view may be regarding their correctness—until the decisions have been reversed or overruled,¹ or if there is some indication that the court is departing from its previous position,² since the highest court is the final arbiter of the law in the jurisdiction³ and is the only one that may overrule or modify one of its precedents.⁴ Thus, the United States Supreme Court has sole authority to overrule its own decisions,⁵ and agencies, like courts, must follow Supreme Court decisions even if the agency believes that the Court was wrong.⁶ An intermediate court's task is to effectuate the decisional law of the supreme court, not to restrict it through curtailed readings of controlling authority⁷ or predict what the higher court might do.⁸

A Supreme Court decision abrogates a prior court of appeals ruling only if it is clearly on point.⁹ If decisions of the court of last resort are inconsistent, inferior courts may rely on the most recent pronouncement.¹⁰ However, if one precedent of the United States Supreme Court has direct application in a case but appears to rest on reasons rejected in some other line of decisions, an intermediate court should follow the case that directly controls, leaving to the Supreme Court the prerogative of overruling its own decisions.¹¹

CUMULATIVE SUPPLEMENT

Cases:

In a constitutional case, only the Supreme Court can correct its error. [Kisor v. Wilkie](#), 139 S. Ct. 2400 (2019).

Supreme Court's decisions remain binding precedent until Court sees fit to reconsider them, regardless of whether subsequent cases have raised doubts about their continuing vitality. [Laufer v. Naranda Hotels, LLC](#), 60 F.4th 156 (4th Cir. 2023).

For Supreme Court decision to change Circuit's law, it must be more than merely illuminating with respect to case before court, and must unequivocally overrule prior precedent. [Moore v. Tangipahoa Parish School Board](#), 921 F.3d 545 (5th Cir. 2019).

It is Supreme Court's prerogative alone to overrule one of its precedents. [Kashem v. Barr](#), 941 F.3d 358 (9th Cir. 2019).

On defendant's appeal from district court's ruling that defendant was competent to stand trial on charge for criminal sexual conduct, in order to determine which party bore burden of proof, if any, on issue of defendant's competency, Court of Appeals was bound by Minnesota Supreme Court's prior holding in [State v. Ganpat](#), 732 N.W.2d 232, that State bore burden of proving defendant's competency. Minn. Const. art. 6, § 2; Minn. R. Crim. P. 20.01. [State v. Curtis](#), 921 N.W.2d 342 (Minn. 2018).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Jaffree v. Board of School Com'rs of Mobile County*, 459 U.S. 1314, 103 S. Ct. 842, 74 L. Ed. 2d 924, 9 Ed. Law Rep. 21 (1983); *Hicks v. Miranda*, 422 U.S. 332, 95 S. Ct. 2281, 45 L. Ed. 2d 223 (1975).

Ariz.—*State v. Smyers*, 207 Ariz. 314, 86 P.3d 370 (2004).

Cal.—*McClung v. Employment Development Dept.*, 34 Cal. 4th 467, 20 Cal. Rptr. 3d 428, 99 P.3d 1015 (2004).

Mont.—*Demontiney v. Montana Twelfth Judicial Dist. Court*, 2002 MT 161, 310 Mont. 406, 51 P.3d 476 (2002).

N.M.—*Aguilera v. Palm Harbor Homes, Inc.*, 2002-NMSC-029, 132 N.M. 715, 54 P.3d 993 (2002).

Ohio—*Mannion v. Sandel*, 91 Ohio St. 3d 318, 2001-Ohio-47, 744 N.E.2d 759 (2001).
- 2 Kan.—*State v. Gauger*, 366 P.3d 238 (Kan. Ct. App. 2016).
- 3 Kan.—*State v. Wilkins*, 269 Kan. 256, 7 P.3d 252 (2000) (holding modified on other grounds by, *State v. Jordan*, 2016 WL 1168302 (Kan. 2016)).

Mass.—*Com. v. Vasquez*, 456 Mass. 350, 923 N.E.2d 524 (2010).

Mo.—*Chavez v. Cedar Fair, LP*, 450 S.W.3d 291 (Mo. 2014), as modified on denial of reh'g, (Dec. 23, 2014).

Neb.—*State v. Gales*, 269 Neb. 443, 694 N.W.2d 124 (2005).

N.C.—*State v. Alldred*, 782 S.E.2d 383 (N.C. Ct. App. 2016).
- 4 U.S.—*Thurston Motor Lines, Inc. v. Jordan K. Rand, Ltd.*, 460 U.S. 533, 103 S. Ct. 1343, 75 L. Ed. 2d 260 (1983).

Kan.—*Johnson v. Westhoff Sand Co., Inc.*, 281 Kan. 930, 135 P.3d 1127 (2006).

Mich.—*Chambers v. Tretco, Inc.*, 463 Mich. 297, 614 N.W.2d 910 (2000).

Tenn.—*State v. Davis*, 141 S.W.3d 600 (Tenn. 2004).

Tex.—*Lubbock County, Texas v. Trammel's Lubbock Bail Bonds*, 80 S.W.3d 580 (Tex. 2002).

Wis.—*State v. Jennings*, 2002 WI 44, 252 Wis. 2d 228, 647 N.W.2d 142 (2002).
- 5 U.S.—*Perez v. Stephens*, 745 F.3d 174, 87 Fed. R. Serv. 3d 1515 (5th Cir. 2014), petition for certiorari filed, 135 S. Ct. 401, 190 L. Ed. 2d 289 (2014).
- 6 U.S.—*BNSF R. Company v. U.S. Dept. of Labor*, 816 F.3d 628 (10th Cir. 2016).
- 7 Pa.—*Com. v. Millner*, 585 Pa. 237, 888 A.2d 680 (2005).
- 8 U.S.—*U.S. v. Mashburn*, 406 F.3d 303 (4th Cir. 2005).
- 9 U.S.—*Walker v. Jefferson County Bd. of Educ.*, 771 F.3d 748, 310 Ed. Law Rep. 637 (11th Cir. 2014).
- 10 Wis.—*Luhman v. Beecher*, 144 Wis. 2d 781, 424 N.W.2d 753 (Ct. App. 1988).

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U.S.—*Agostini v. Felton*, 521 U.S. 203, 117 S. Ct. 1997, 138 L. Ed. 2d 391, 119 Ed. Law Rep. 29, 37 Fed. R. Serv. 3d 1051 (1997).

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